

REMARKS**Summary of the Office Action**

Claims 1-4, 6-7, 10-13 and 15-20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Phillips (U.S. Patent No. 3,906,520) (hereinafter "Phillips").

Claims 5, 8-9 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Phillips in view of Matsushita (U.S. Patent No. 4,113,353) (hereinafter "Matsushita").

Summary of the Response to the Office Action

Applicants have amended claims 1, 2, 11, and 18 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1-20 remain currently pending and under consideration.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-4, 6-7, 10-13 and 15-20 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Phillips. Claims 5, 8-9 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Phillips in view of Matsushita. Applicants have amended claims 1, 2, 11, and 18 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, the rejections are respectfully traversed for at least the following reasons.

In newly-amended claims 1, 11 and 18, the following features are clearly described in combination with the other features of the respective claims:

(1) a fiber optic block having an at least partially curved input end face and an output end face is prepared for a to-be-measured object having a measurement surface;

(2) the input end face of the fiber optic block has a convex surface shape;

and

(3) the measurement surface of the to-be-measured object has a curved concave surface shape.

Applicants respectfully submit that the above-described features (1) to (3) of the present invention are clearly disclosed, for example, with regard to Fig. 1 of the instant application. More particularly, Applicants respectfully submit that in the configuration shown in Fig. 1, a fiber optic block 10 including optical fibers 11 has a curved convex input end face 14 and an output end face 15. In addition, a to-be-measured object 20 has a curved concave measurement surface 21. Further, Applicants refer, for example, to paragraphs [0023] to [0034] of the specification of the instant application for additional description of the disclosed configuration of Fig. 1 of the instant application.

Applicants respectfully submit that the specific configurations of the inspection method, the fiber optic block, and the inspection apparatus of the disclosure of the instant application including at least the above-described features are neither disclosed, nor even suggested, in Phillips.

In this regard, for example, Applicants respectfully submit that in the configuration shown in Fig. 1 of Phillips, a to-be-measured object is a human finger 20. Clearly, a measurement surface of the human finger 20 has a convex surface shape. For this human finger 20, an input end face of an optical imaging block 10 is provided as a concave upper objective surface 13. Thus, Applicants respectfully submit that the configurations of the present invention

described above and in newly-amended claims 1, 11, and 18 of the instant application are completely different from the configuration disclosed in Phillips.

Applicants note that this difference between the embodiments of the disclosure of the instant application and the disclosure of Phillips is even further made clear by a review of the configuration described in newly-amended dependent claim 2 of the instant application. In this regard, Applicants respectfully submit that that in the inspection method of claim 2, the concave measurement surface of the to-be-measured object is an inner surface of a groove; and the distance between two contact portion images in the optical image, corresponding to the two respective contact portions of the convex input end face and the concave measurement surface, is measured to inspect the curved concave surface shape of the measurement surface. Applicants respectfully submit that these features are also neither disclosed, nor even suggested, in Phillips.

With regard to claims 1 and 11 of the instant application, the Office Action cites to a surface 13 in Fig. 1 of Phillips as allegedly meeting the measurement surface of the instant application's claims. In addition, with regard to claim 2, the Office Action cites to a surface 36 in Fig. 5 of Phillips as allegedly meeting the measurement surface of the instant application's claim. However, Applicants respectfully submit that these surfaces 13, 36 are disclosed in Phillips as being surfaces of the optical imaging block. On the other hand, Applicants respectfully submit that, in the configuration of the newly-amended claims of the instant application, the measurement surface is a surface of the to-be-measured object, and not a surface of the fiber optic block.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Phillips does not teach or suggest each feature of independent claims 1 or 11 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is

anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)."

Furthermore, Applicants respectfully assert that the dependent claims 2-10 and 12-20 are allowable at least because of their dependence from independent claim 1 or 11, and the reasons discussed previously. In addition, the additionally applied reference to Matsushita, with regard to claims 5, 8-9 and 14, does not cure the deficiencies discussed previously with regard to Phillips.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF**

TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: September 16, 2009

By:



Paul A. Fournier

Reg. No. 41,023

Customer No. 055694

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465